

CITY COUNCIL
AND AS SUCCESSOR AGENCY TO THE
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF THE PALM SPRINGS
CITY OF PALM SPRINGS, CALIFORNIA
Palm Springs Convention Center
Primrose B (See Location Map)
277 N. Avenida Caballeros, Palm Springs, CA 92262
www.palmspringsca.gov

AGENDA

July 19, 2017



4:00 PM CLOSED SESSION
6:00 PM REGULAR MEETING

Robert Moon, Mayor
Ginny Foat, Mayor Pro Tem
Geoff Kors, Councilmember
Chris Mills, Councilmember
J.R. Roberts, Councilmember

City of Palm Springs Mission Statement: Palm Springs is an inclusive world-class city dedicated to providing excellent and responsive public services to enhance the quality of life for current and future generations.

David H. Ready, Esq., Ph.D., City Manager
Kathleen D. Hart, MMC, Interim City Clerk
Marcus L. Fuller, MPA, P.E., P.L.S., Assistant City Manager
Edward Z. Kotkin, City Attorney
Geoffrey S. Kiehl, Director of Finance and Treasurer

Any person who wishes to provide public testimony for an Item on the Agenda MUST file a speaker card prior to the Public Testimony (Non-Public Hearing Agenda Items Only) portion of the meeting. Testimony for Public Hearings will be allowed only during the Public Hearing. [Two (2) minutes per speaker]

Testimony for Public Hearings will only be taken at the time of the hearing. Any person who wishes to speak at a Public Hearing must file a "Speaker Card" with the City Clerk BEFORE the Public Hearing is called. [Two (2) minutes per speaker]

Any person who wishes to speak on a topic not on the agenda within the City's jurisdiction during the "Public Comments" portion of the agenda must file a "Speaker Card" with the City Clerk BEFORE that portion of the agenda is called. [Two (2) minutes per speaker] Although the City Council values your comments, pursuant to the Brown Act, it generally cannot take any action on items not listed on the posted agenda.

Please note, any agenda item which has not been initiated by 11:00 p.m. may be continued to a subsequent meeting.

At approximately 10:00 p.m., the City Council will determine the number of speakers who wish to address the City Council during Public Comment for non-Agenda Items, and determine which agenda items will be considered before the 11:00 p.m. Adjournment time.

The City Council encourages written public testimony prior to the meeting, which provides the City Council ample time and attention for consideration. All written testimony will be provided to the City Council prior to the discussion. Written testimony may be sent via email to CITY.CLERK@palmspringsca.gov, by fax at (760) 322-8332, or hand delivery to the City Clerk, Palm Springs City Hall, 3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262.

4:00 P.M. CLOSED SESSION

CALL TO ORDER (*Primrose B*):

PUBLIC COMMENT (*Primrose B*): This time has been set aside for members of the public to address the City Council on items contained only on the Closed Session Agenda.

RECESS TO CLOSED SESSION (*Mesquite B*): See Closed Session Agenda.

6:00 P.M. REGULAR MEETING

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

PRESENTATIONS:

ACCEPTANCE OF THE AGENDA: The City Council will discuss the order of the agenda, may amend the order, add urgency items, note abstentions or “no” votes on Consent Calendar items, and request Consent Calendar items be removed from the Consent Calendar for discussion. The City Council may also remove items from the Consent Calendar prior to that portion of the Agenda.

REPORT OF CLOSED SESSION:

PUBLIC TESTIMONY: (Non-Public Hearing Agenda Items ONLY)

This time has been set aside for members of the public to address the City Council only on agenda items. Two (2) minutes will be assigned to each speaker. Testimony for Public Hearings will only be taken at the time of the hearing, and General Public Comments, non-agenda items, will be taken later in the meeting.

CITY COUNCIL, SUBCOMMITTEE, AND CITY MANAGER’S COMMENTS AND REPORTS: This time is set aside for the City Council to provide additional general comments, reports, and announcements. Additionally, this time is set aside for the City Manager to update the City Council on important items initiated by staff or previously requested by the City Council.

1. **CONSENT CALENDAR:**

The following routine matters may be acted upon by one motion. Individual items may be removed by the Council for separate discussion at this time or under Acceptance of the Agenda. The ordinance title is deemed to be read in its entirety and further reading waived on any ordinance listed on the Consent Calendar.

1.A. **APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE SB 821 MISSING LINK SIDEWALKS, CP 15-23:**

The City Council encourages written public testimony prior to the meeting, which provides the City Council ample time and attention for consideration. All written testimony will be provided to the City Council prior to the discussion. Written testimony may be sent via email to CITY.CLERK@palmspringsca.gov, by fax at (760) 322-8332, or hand delivery to the City Clerk, Palm Springs City Hall, 3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262.

RECOMMENDATION: Approve the plans, specifications & estimates and authorize staff to advertise and solicit bids for the SB 821 Missing Link Sidewalks, CP 15-23.

1.B. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF JUNE 2017:

RECOMMENDATION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of June 1 through June 30, 2017.

1.C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:

RECOMMENDATION:

1) Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 06-17-2017 BY WARRANTS NUMBERED 419968 THROUGH 419984 TOTALING \$24,042.23, LIABILITY CHECKS NUMBERED 1092955 THROUGH 1092974 TOTALING \$80,389.12, FIVE WIRE TRANSFERS FOR \$59,187.88, AND THREE ELECTRONIC ACH DEBITS OF \$1,323,320.42 IN THE AGGREGATE AMOUNT OF \$1,486,939.65, DRAWN ON BANK OF AMERICA."

2) Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1092975 THROUGH 1093083 IN THE AGGREGATE AMOUNT OF \$691,202.52 DRAWN ON BANK OF AMERICA."

3) Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1093084 THROUGH 1093267 AND W062917 THROUGH W062917A IN THE AGGREGATE AMOUNT OF \$5,156,041.38, DRAWN ON BANK OF AMERICA."

4) Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANT NUMBERED 1093268 IN THE AGGREGATE AMOUNT OF \$363,798.04, DRAWN ON BANK OF AMERICA."

5) Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 07-07-2017 BY WARRANTS NUMBERED 419985 THROUGH 420006 TOTALING \$43,288.69, LIABILITY CHECKS NUMBERED 1093269 THROUGH 1093288 TOTALING \$81,391.26, FIVE WIRE TRANSFERS FOR \$67,437.29, AND THREE ELECTRONIC ACH DEBITS OF \$1,369,291.03 IN THE AGGREGATE AMOUNT OF \$1,561,408.27, DRAWN ON BANK OF AMERICA."

6) Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1093289 THROUGH 1093354 IN THE AGGREGATE AMOUNT OF \$710,400.31, DRAWN ON BANK OF AMERICA."

1.D. AMEND THE EMPLOYER-EMPLOYEE RELATIONS RESOLUTION FOR THE CLASSIFICATION OF FIRE CAPTAIN:

RECOMMENDATION:

- 1) Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AMENDING THE EMPLOYER-EMPLOYEE RELATIONS RESOLUTION 16438 AND AS PREVIOUSLY AMENDED BY RESOLUTION 17793 FOR THE CLASSIFICATION OF FIRE CAPTAIN."
- 2) Authorize the City Manager to execute all necessary documents.

1.E. DELEGATION OF AUTHORITY TO AWARD CONSTRUCTION BIDS AND ACCEPT FAA AIRPORT IMPROVEMENT GRANT AIP 3-06-0181-055-2017 FOR THE TAXIWAY J PAVEMENT RECONSTRUCTION PROJECT (IFB 17-06), AIRFIELD LIGHTING PROJECTS (IFB 17-07), AND TICKETING REMODEL ENABLING PROJECTS (IFB 18-01):

RECOMMENDATION:

- 1) Authorize construction contract with the lowest responsive and responsible bidder for the Taxiway J Pavement Reconstruction Project, IFB No. 17-06, subject to reporting and ratification by the City Council at the September 6, 2017, meeting. A_____.
- 2) Authorize construction contract with the lowest responsive and responsible bidder for the Airfield Lighting Project, IFB No. 17-07, subject to reporting and ratification by the City Council at the September 6, 2017, meeting. A_____.
- 3) Authorize construction contract with the lowest responsive and responsible bidder for the Ticketing Remodel Enabling Projects, IFB No. 18-01, subject to reporting and ratification by the City Council at the September 6, 2017, meeting.
- 4) Authorize acceptance of FAA Airport Improvement Grant AIP 3-06-0181-055-2017 for the Taxiway J Pavement Reconstruction Project, IFB No. 17-06, Airfield Lighting Project, IFB No. 17-07, and Ticketing Remodel Enabling Projects, IFB No. 18-01, in an amount including the total cost of the awarded contracts and associated construction management services.
- 5) Delegate authority to the City Manager to approve and execute construction contract change orders up to a cumulative amount of 10% of the contract amounts, with all change orders reported to the City Council.
- 6) Authorize the City Manager to approve amendments to the FAA Airport Improvement Grant AIP 3-06-0181-055-2017 for the Taxiway J

Pavement Reconstruction Project, IFB No. 17-06, Airfield Lighting Project, IFB No. 17-07, and Ticketing Remodel Enabling Projects, IFB No. 18-01, as necessary to increase the total amount of the grant to accommodate approved construction contract change orders.

7) Authorize the City Manager to execute all necessary documents.

1.F. REQUEST BY ON THE MARK FINE FOODS AND PROVISIONS, INC. FOR A RESOLUTION OF PUBLIC CONVIENENCE OR NECESSITY (PCN) TO SELL BEER AND WINE (TYPE 20, OFF-PREMISES RETAIL ALCOHOLIC BEVERAGE CONTROL LICENSE) AT 777 NORTH PALM CANYON DRIVE (CASE 5.1422 PCN):

RECOMMENDATION: Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DETERMINING THAT PUBLIC CONVENIENCE WILL BE SERVED BY THE SALE OF BEER AND WINE FOR CONSUMPTION OFF PREMISES (TYPE 20 STATE ALCOHOLIC BEVERAGE CONTROL LICENSE) AT THE ON THE MARK FINE FOODS AND PROVISIONS SHOP LOCATED AT 777 NORTH PALM CANYON DRIVE AND WITHIN CENSUS TRACT 446.06."

1.G. SECOND READING AND ADOPTION OF ORDINANCE NO. 1928, AUTHORIZING IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM, AND APPROVING THE "DESERT CITIES ENERGY CHOICE" JOINT POWERS AGREEMENT:

RECOMMENDATION: Waive the second reading of the ordinance text in its entirety, read by title only, and adopt Ordinance No. 1928, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM, AND APPROVING THE "DESERT CITIES ENERGY CHOICE" JOINT POWERS AGREEMENT."

1.H. SECOND READING AND ADOPTION OF ORDINANCE NO. 1929, APPROVING PLANNED DEVELOPMENT DISTRICT 381 IN LIEU OF A CHANGE OF ZONE FOR A 13.25 ACRE PARCEL LOCATED AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND MATTHEW DRIVE (CASE 5.1384 – PDD 381):

RECOMMENDATION: Waive the second reading of the ordinance text in its entirety, read by title only, and adopt Ordinance No. 1929, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT 381 IN LIEU OF A CHANGE OF ZONE FOR A 13.25 ACRE PARCEL LOCATED AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND MATTHEW DRIVE (CASE 5.1384 – PDD 381)."

1.I. DELEGATION OF AUTHORITY TO AWARD CONSTRUCTION BIDS FOR 2017 PAVEMENT REHABILITATION, CP 17-01:

The City Council encourages written public testimony prior to the meeting, which provides the City Council ample time and attention for consideration. All written testimony will be provided to the City Council prior to the discussion. Written testimony may be sent via email to CITY.CLERK@palmspringsca.gov, by fax at (760) 322-8332, or hand delivery to the City Clerk, Palm Springs City Hall, 3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262.

RECOMMENDATION:

- 1) Authorize the City Manager to award a construction contract to the lowest responsive and responsible bidder for the 2017 Pavement Rehabilitation Project CP 17-01, subject to reporting and ratification by the City Council at the September 6, 2017, meeting. A_____.
- 2) Delegate authority to the City Manager to approve and execute construction contract change orders up to a cumulative amount of 10% of the contract amounts, with all change orders reported to the City Council.
- 3) Authorize the City Manager to execute all necessary documents.

1.J. APPROVE A COOPERATIVE AGREEMENT WITH THE COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS (CVAG) FOR A FUNDING CONTRIBUTION OF \$411,000, AND AWARD A CONSTRUCTION CONTRACT TO EBS GENERAL ENGINEERING, INC., IN THE AMOUNT OF \$399,000 FOR THE NORTH PALM CANYON DRIVE AT STEVENS ROAD AND VIA LAS PALMAS CROSSWALK INSTALLATIONS, CP 16-13:

RECOMMENDATION:

- 1) Approve a Cooperative Agreement for funding contribution from Coachella Valley Association of Governments Bicycle and Pedestrian Safety Program for 2017 for an amount up to \$411,000 for the North Palm Canyon Drive at Stevens Road and Via Las Palmas Crosswalk Installations, CP 16-13. A_____.
- 2) Award an Agreement to EBS General Engineering, Inc., in the amount of \$399,000 for the North Palm Canyon Drive at Stevens Road and Via Las Palmas Crosswalk Installations, CP 16-13. A_____.
- 3) Delegate authority to the City Manager to approve and execute construction contract change orders up to the cumulative amount of \$39,900.
- 4) Authorize the City Manager to execute all necessary documents.

1.K. APPOINT RUSSELL PRITCHARD AND TRACY MERRIGAN TO THE PUBLIC ARTS COMMISSION FOR TERMS ENDING JUNE 30, 2020, AS PART OF THE 2017 ANNUAL RECRUITMENT PROCESS:

RECOMMENDATION: Appoint Russell Pritchard and Tracy Merrigan to the Public Arts Commission for terms ending June 30, 2020.

1.L. APPROVE TRACT MAP 36725 AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH FAR WEST INDUSTRIES:

RECOMMENDATION: Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TRACT MAP 36725 AND AN ASSOCIATED SUBDIVISION IMPROVEMENT AGREEMENT WITH FAR WEST INDUSTRIES FOR PROPERTY LOCATED ALONG NORTH PALM CANYON DRIVE, SOUTH OF ALVARADO ROAD AND WEST OF DE ANZA ROAD, IN SECTION 3, TOWNSHIP 3 SOUTH, RANGE 4 EAST."

- 1.M. OPPOSITION OF SENATE BILL 649 (HUESO) REGARDING WIRELESS TELECOMMUNICATIONS FACILITIES ALLOWING INSTALLATION OF SMALL CELLS WITHOUT LOCAL CONTROL:**
RECOMMENDATION: Approve the Opposition Letter regarding SB 649, and authorize the Mayor to execute on behalf of the City of Palm Springs.
- 1.N. APPROVAL OF MINUTES:**
RECOMMENDATION: Approve the City Council Minutes of May 11, 2017, and May 9, 2017.
- 1.O. APPROVAL OF AMENDMENT NO. 4 TO AGREEMENT NO. A6629 WITH URS CORPORATION FOR CONSTRUCTION MANAGEMENT SERVICES ASSOCIATED WITH AIRPORT CAPITAL IMPROVEMENT PROJECTS:**
RECOMMENDATION:
- 1) Approve Amendment No. 4 to Agreement No. A6629 with URS Corporation for construction management services in the amount of \$476,871 required for the Taxiway J Pavement Reconstruction Project, IFB No. 17-06, Airfield Lighting Project, IFB No. 17-07, and Ticketing Remodel Enabling Projects, IFB No. 18-01.
 - 2) Delegate authority to the City Manager to approve subsequent amendments to Agreement No. A6629 with URS Corporation, not to exceed \$50,000, as may be necessary for additional scopes of work associated with construction management services for the Taxiway J Pavement Reconstruction Project, IFB No. 17-06, Airfield Lighting Project, IFB No. 17-07, and Ticketing Remodel Enabling Projects, IFB No. 18-01.
 - 3) Authorize the City Manager to execute all necessary documents.

EXCLUDED CONSENT CALENDAR: Items removed from the Consent Calendar for separate discussion are considered at this time.

2. PUBLIC HEARINGS:

- 2.A. PHILIP J. PRIETO, OWNER, FOR A TENTATIVE TRACT MAP FOR THE CONSTRUCTION OF A 30-UNIT CONDOMINIUM PROJECT LOCATED AT THE NORTHWEST CORNER OF BARISTO ROAD AND HERMOSA DRIVE, ZONE HDR, SECTION 14 (CASE 37245 TTM):**
RECOMMENDATION:
- 1) Open the public hearing and receive public testimony.
 - 2) Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 37245 CREATING ONE (1) LOT EQUALING 3.96-ACRES FOR THE PURPOSE OF A 30 UNIT CONDOMINIUM PROJECT CONSISTING OF 20 ATTACHED UNITS AND TEN (10) UNATTACHED UNITS LOCATED AT THE NORTHWEST

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CORNER OF BARISTO ROAD AND HERMOSA DRIVE, ZONE HDR, SECTION 14, APN 508-100-035.

2.B. REQUEST TO AMEND PALM SPRINGS ZONING CODE (PSZC) SECTION 93.02.00 RELATING TO WALL HEIGHT FOR RESIDENTIAL SWIMMING POOL SAFETY ENCLOSURE FENCING (CASE 5.1421 ZTA):

RECOMMENDATION:

1) Waive the reading of the ordinance text in its entirety, read by title only, and introduce on first reading Ordinance No. _____, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AN AMENDMENT TO SECTION 93.02.00(B) OF THE PALM SPRINGS ZONING CODE (PSZC) RELATING TO WALL HEIGHT FOR RESIDENTIAL SWIMMING POOL SAFETY ENCLOSURES."

2.C. APPROVAL OF A DEVELOPMENT AGREEMENT WITH PS COUNTRY CLUB, LLC, RELATED TO THE DEVELOPMENT OF THE SERENA PARK PROJECT, CASE 5.1327, PDD-366/MAJ, TTM36691:

RECOMMENDATION:

1) Open the public hearing and receive public testimony.
2) Waive the reading of text in its entirety, read by title only, and introduce for first reading Ordinance No. _____, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT WITH PS COUNTRY CLUB, LLC, RELATED TO CONVERSION OF THE PALM SPRINGS COUNTRY CLUB GOLF COURSE INTO A RESIDENTIAL SUBDIVISION OF UP TO 386 RESIDENTIAL UNITS IDENTIFIED AS THE SERENA PARK PROJECT, LOCATED NORTH OF VERONA ROAD, EAST OF SUNRISE WAY AND SOUTHWEST OF THE WHITEWATER RIVER WASH (CASE NOS. 5.1327, PD-366, ZC, GPA, DA, MAJ AND TTM 36691)."

2.D. (Continued to July 26, 2017) WRIT OF MANDATE, REQUIRING ELIMINATION OF THE EVENT AREA FROM PLANNED DEVELOPMENT DISTRICT (PDD) 374, THE "750 LOFTS" PROJECT LOCATED AT 750 N. PALM CANYON DRIVE, CONFIRMING CONFORMITY WITH THE CITY'S MUNICIPAL CODE WITH REGARD TO PARKING, AND OTHERWISE AFFIRMING APPROVAL OF PDD 374, INTRODUCTION OF A RELATED ORDINANCE AFFIRMING APPROVAL OF PDD 374, AND A RELATED RESOLUTION AFFIRMING APPROVAL OF A MAJOR ARCHITECTURAL APPLICATION AND CONDITIONAL USE PERMITS:

RECOMMENDATION:

1) Public Testimony was closed June 21, 2017, take no Public Testimony and continue to July 26, 2017.
2) Direct the City Clerk to post a Notice of Continuance pursuant to established procedures.

3. LEGISLATIVE:

3.A. INTRODUCTION OF AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SUBSECTION (k) TO SECTION 11.74.043 AND SECTION 5.78.050, AND AMENDING SECTION 5.78.010 OF THE PALM SPRINGS MUNICIPAL CODE, REGARDING LOUD, UNUSUAL NOISES AND LANDSCAPE RELATED BUSINESSES, PROHIBITING GASOLINE POWERED LEAF BLOWERS AND ALTERNATIVELY ALSO PROHIBITING ELECTRICAL OR BATTERY POWERED LEAF BLOWERS IN THE CITY AS A PER SE NUISANCE COMMENCING ON JANUARY 1, 2019:

RECOMMENDATION:

If the Council desires to adopt regulations limiting the use of gasoline-powered leaf blowers only, staff recommends the following action:

1) Waive the reading of text in its entirety, read by title only, and introduce for first reading Ordinance No. _____, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SUBSECTION (k) TO SECTION 11.74.043 AND SECTION 5.78.050, AND AMENDING SECTION 5.78.010 OF THE PALM SPRINGS MUNICIPAL CODE, REGARDING LOUD, UNUSUAL NOISES AND LANDSCAPE RELATED BUSINESSES, PROHIBITING GASOLINE POWERED LEAF BLOWERS IN THE CITY AS A PER SE NUISANCE COMMENCING ON JANUARY 1, 2019, AND PROVIDING FOR REGULATION OF ELECTRICAL OR BATTERY POWERED LEAF BLOWERS."

or,

If the Council desires to adopt regulations limiting the use of both gasoline-powered leaf blowers and electrical/battery-powered leaf blowers, staff recommends the following action:

2) Waive the reading of text in its entirety, read by title only, and introduce for first reading Ordinance No. _____, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SUBSECTION (k) TO SECTION 11.74.043 AND SECTION 5.78.050, AND AMENDING SECTION 5.78.010 OF THE PALM SPRINGS MUNICIPAL CODE, REGARDING LOUD, UNUSUAL NOISES AND LANDSCAPE RELATED BUSINESSES, PROHIBITING GASOLINE POWERED AND ELECTRICAL/BATTERY-POWERED LEAF BLOWERS IN THE CITY AS A PER SE NUISANCE COMMENCING ON JANUARY 1, 2019, AND PROVIDING FOR REGULATION OF ELECTRICAL OR BATTERY POWERED LEAF BLOWERS."

or

3) Provide alternative direction to staff.

3.B. INTRODUCTION OF AN ORDINANCE AMENDING THE PALM SPRINGS MUNICIPAL CODE REGARDING *MEDICAL CANNABIS RELATED BUSINESSES AND ACTIVITIES* AND ADDING *ADULT-USE CANNABIS RELATED BUSINESSES AND ACTIVITIES*:"

RECOMMENDATION: Waive the reading of text in its entirety, read by title only, and introduce for first reading Ordinance No. _____, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTER 5.45 OF THE PALM SPRINGS MUNICIPAL CODE REGARDING *MEDICAL CANNABIS RELATED BUSINESSES AND ACTIVITIES* AND ADDING CHAPTER 5.55 OF THE PALM SPRINGS MUNICIPAL CODE REGARDING *ADULT-USE CANNABIS RELATED BUSINESSES AND ACTIVITIES*."

3.C. INTERIM URGENCY ORDINANCE EXTENDING PRIOR INTERIM URGENCY ORDINANCES 1893, 1912 AND 1922, IMPOSING INTERIM REGULATIONS FOR THE INSTALLATION AND MAINTENANCE OF TEMPORARY SIGNS IN THE CITY OF PALM SPRINGS SUBJECT TO CERTAIN EXCEPTIONS, AMENDING SECTION 93.20.09.B.5, AND SUSPENDING ENFORCEMENT OF SECTIONS 93.20.07, 93.20.08, AND 93.20.10.C.4 OF, THE PALM SPRINGS MUNICIPAL CODE, TO NOVEMBER 10, 2017. (4/5^{THS} Vote Required):

RECOMMENDATION: Waive the reading of the text in its entirety, read by title only, and adopt Ordinance No. _____, "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, EXTENDING PRIOR INTERIM URGENCY ORDINANCES 1893, 1912 and 1922, IMPOSING INTERIM REGULATIONS FOR THE INSTALLATION AND MAINTENANCE OF TEMPORARY SIGNS IN THE CITY OF PALM SPRINGS SUBJECT TO CERTAIN EXCEPTIONS, AMENDING SECTION 93.20.09.B.5, AND SUSPENDING ENFORCEMENT OF SECTIONS 93.20.07, 93.20.08, AND 93.20.10.C.4 OF, THE PALM SPRINGS MUNICIPAL CODE, TO NOVEMBER 10, 2017." (4/5ths Vote Required)

4. UNFINISHED BUSINESS:

4.A. POTENTIAL 2017 BALLOT MEASURES AD HOC SUBCOMMITTEE: REPORT ON POTENTIAL REVENUE BALLOT INITIATIVES FOR THE NOVEMBER 2017 ELECTION: (Councilmember Kors and Mayor Pro Tem Foat)

RECOMMENDATION: Continued discussion and direct staff as appropriate.

4.B. APPROVAL OF TRACT MAP 31095 (THE "BOULDERS" PROJECT) AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH GRIT DEVELOPMENT, LLC:

RECOMMENDATION: Adopt Resolution No. _____ “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TRACT MAP 31095 AND AN ASSOCIATED SUBDIVISION IMPROVEMENT AGREEMENT WITH GRIT DEVELOPMENT, LLC, FOR PROPERTY LOCATED ALONG WEST VIA ESCUELA, SOUTH OF RACQUET CLUB ROAD AND NORTH OF CHINO CANYON ROAD, IN SECTION 3, TOWNSHIP 3 SOUTH, RANGE 4 EAST.”

5. NEW BUSINESS:

5.A. EXTENSION OF THE HOTEL INCENTIVE PROGRAM DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF THE ORCHID TREE HOTEL, NORTHWEST CORNER OF BARISTO ROAD AND BELARDO ROAD, 284 S. CAHUILLA ROAD (DEVELOPER NEW CHURCH II, LLC) TO RUN CONCURRENT WITH AN APPROVED ENTITLEMENT, CURRENTLY SET TO EXPIRE NOVEMBER 9, 2018, CLARIFICATION REGARDING LEVEL OF ASSISTANCE TO BE PROVIDED THROUGH PROGRAM:

RECOMMENDATION: Direct staff to negotiate with the developer, and return to the Council, no later than the end of October 2017, with an Operating Covenant for this project. This covenant would *(i)* be considered at a public hearing and recorded against the property if approved by the Council, consistent with the Program, but also pursuant to the City’s general and charter authority, *(ii)* provide the Project with the highest level of operating assistance available under the Program, to wit, seventy-five percent (75%) of the adjusted transient occupancy tax rate, as provided by the Program, payable for thirty (30) years, or until the operator has been paid fifty million dollars (\$50,000,000), whichever event occurs first, and *(iii)* require that the project’s construction commence by the end of November 2019.

5.B. EXTENSION OF THE HOTEL OPERATIONS INCENTIVE PROGRAM DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF THE VIRGIN HOTEL, LOCATED ON BLOCK B-1 OF THE DOWNTOWN PALM SPRINGS SPECIFIC PLAN, AT THE SOUTHEAST CORNER OF BELARDO ROAD AND THE EXTENSION OF E. ANDREAS ROAD WESTWARD, UNTIL DECEMBER 31, 2019:

RECOMMENDATION: Approve an extension of the Hotel Operations Incentive Program deadline for commencement of construction for Virgin Hotel, located on Block B-1 of the Downtown Palm Springs Specific Plan, at the southeast corner of Belardo Road and the extension of E. Andreas Road westward, until December 31, 2019.

PUBLIC COMMENT: (Non-Agenda Items) This time has been set aside for members of the public to address the City Council on items of general interest within the subject matter

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jurisdiction of the City. Although the City Council values your comments, pursuant to the Brown Act, it generally cannot take any action on items not listed on the posted agenda. Two (2) minutes will be assigned to each speaker.

CITY COUNCIL AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT: This time is set aside for the City Council to make requests of staff and/or issues of concern to Councilmembers are briefly presented, and to prioritize and set future agenda items.

ADJOURNMENT: The City Council will adjourn to an adjourned regular meeting on Thursday, July 20, 2017, at 6:00 p.m. Palm Springs Convention Center, Primrose B, 277 N. Avenida Caballeros, Palm Springs.

AFFIDAVIT OF POSTING

State of California)
 County of Riverside) ss.
 City of Palm Springs)

I, Kathleen D. Hart, Interim City Clerk of the City of Palm Springs, California, hereby certify this Agenda was delivered to each member of the City Council, provided to all parties who have requested such notice, posted at City Hall before 5:00 p.m., on July 14, 2017, and posted on the City’s website as required by established policies and procedures.



 KATHLEEN D. HART, MMC
 Interim City Clerk

PUBLIC NOTICES

Pursuant to G.C. Section 54957.5(b)(2) the designated office for inspection of records in connection with the meeting is the Office of the City Clerk, City Hall, 3200 E. Tahquitz Canyon Way. Complete Agenda Packets are available for public inspection at: City Hall Office of the City Clerk. Agenda and staff reports are available on the City’s website www.palmspringsca.gov. If you would like additional information on any item appearing on this agenda, please contact the Office of the City Clerk at (760) 323-8204.

It is the intention of the City of Palm Springs to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, or in meetings on a regular basis, you will need special assistance beyond what is normally provided, the City will attempt to accommodate you in every reasonable manner. Please contact the Office of the City Clerk, (760) 323-8204, at least 48 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible.

City Council meetings are webcast live on the City’s website www.palmspringsca.gov and cablecast live on PSCTV Channel 17 and 26.103. Meetings are re-broadcast (following the meeting) on Thursday at 8:00 p.m., Saturday at 1:30 p.m. and Tuesday at 7:00 p.m.

The City Council encourages written public testimony prior to the meeting, which provides the City Council ample time and attention for consideration. All written testimony will be provided to the City Council prior to the discussion. Written testimony may be sent via email to CITY.CLERK@palmspringsca.gov, by fax at (760) 322-8332, or hand delivery to the City Clerk, Palm Springs City Hall, 3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262.